

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * * * *

UNITED STATES OF AMERICA,)	
)	Case no. 3:09-CR-00046-LRH-RAM
Plaintiff,)	
)	<u>ORDER</u>
vs.)	
)	
GILBERTO LOPEZ-MONJARAZ,)	
)	
Defendant.)	
_____)	

Rene L. Valladares, Federal Public Defender, and Nisha Brooks-Whittington, Assistant Federal Public Defender, have filed a motion to withdraw (#82) as defendant's counsel of record. The court received and reviewed the reduction of sentence report on defendant prepared by Probation. The report concludes defendant is ineligible for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2), Amendment 782, and pursuant to U.S.S.G. § 1B1.10, effective November 1, 2014, as he was sentenced based upon being held accountable for more than 5 kilograms of Actual Methamphetamine. Due to the amount of Actual Methamphetamine, the Base Offense Level remains unchanged.

The court appointed defendant counsel to determine whether he qualifies for a reduction of sentence. Based upon Probation's report, counsel does not intend to file a motion for a reduction. The court will therefore grant the motion to withdraw.

Before being granted counsel, defendant filed a motion (#76) seeking Discretionary Relief pursuant to 18 U.S.C. § 3582(c)(2). The court does not find a response from the United States Attorney's office is necessary for a ruling on defendant's motion. The defendant was

1 sentenced based upon being held accountable for more than 5 kilograms of Actual
2 Methamphetamine and, given the amount of Actual Methamphetamine, the Base Offense Level
3 remains unchanged. Therefore defendant is not entitled to a reduction.


4 Accordingly,

5 IT IS HEREBY ORDERED that defendant's motion to withdraw (#82) is **GRANTED**.

6 IT IS FURTHER ORDERED that defendant's motion seeking Discretionary Relief
7 pursuant to 18 U.S.C. § 3582(c)(2) (#76) is **DENIED**.

8 IT IS SO ORDERED.

9 DATED this 24th day of April, 2015.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE